UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1316
4 May 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1316th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 March 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. SHERIFIS

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Tenth and eleventh periodic reports of Italy (CERD/C/317/Add.1) (continued)

1. At the invitation of the Chairman, the delegation of Italy resumed their places at the Committee table.

2. Mr. GARVALOV thanked the Italian delegation, whose oral presentation and highly informative report he had greatly appreciated. However, no information concerning the demographic composition of Italian society could be found therein. On the other hand, Minority Rights Group International had indicated in its World Directory that the main minority groups living in Italy were Sardinians (1.6 million), Friulians (600,000), South Tyrolese German-speakers (303,000), Roma/gypsies (90,000-110,000), Slovenes (100,000), Franco-Provençal-speaking Aostans (75,000), Occitanians (50,000), Tunisians (46,575), Filipinos (40,292), Jews (32,000), Ladinos (30,000), Greek-speakers (10,000-12,000) and a small number of French-speaking Aostans and Croatians, in addition to Cape Verdeans, Eritreans, Somalis and Ethiopians (600,000 in all). Was the Italian delegation in a position to confirm those figures?

3. He noted that the Italian Constitution referred to racial discrimination only in a general clause of article 3, which affirmed that all citizens were equal before the law, without distinction as to sex, race, language, religion, political opinion or personal or social status. In his view, that provision was insufficient to meet the aims of the Convention.

4. Likewise, the provisions of the international instruments to which Italy was a party could not be invoked directly before Italian tribunals and Italy had no specific legislative texts to ensure the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the UNESCO Convention against Discrimination in Education and the ILO Discrimination (Employment and Occupation) Convention. He wondered whether Italy's method of issuing implementing orders was sufficient to ensure the entry into force of those instruments.

5. Italy was a party to the Schengen Agreement, one of the main aims of which was to combat illegal immigration into the member countries of the European Union although, in practice, it also had the effect of closing the doors of States parties to foreign visitors from non-member States who wished to travel legally to a country of the Union. Did that situation not constitute de facto discrimination based on national or ethnic origin?

6. He was disturbed by the information contained in paragraph 17 of the periodic report. In his view, the clarifications provided by the Italian Supreme Court concerning Decree-Law No. 122 of 1993, under which the activities of organizations or movements inciting racial, ethnic, national or religious discrimination or violence were designated as punishable offences,

were ambiguous insofar as they did not seem to stipulate that such activities should automatically be considered not only as illicit but also as impairing the "specific and necessary characteristics of democracy". In his view, that ambiguity did not seem to guarantee the full application of the principle of equality that was enshrined in the Constitution.

7. Being aware that Italy had acceded to the Council of Europe's Framework Convention for the Protection of National Minorities, an international instrument that did not contain any definition of the term "national minority", he would like to know how Italy defined that term. That information would be particularly useful since the report provided no details on the demographic composition of Italian society.

8. Mr. VALENCIA RODRIGUEZ commended the frankness of the report of Italy, which recognized the existence in Italian society of racial discrimination linked to the influx of immigrants, refugees and asylum seekers from neighbouring countries in difficulties. He welcomed the attitude of the Government which, in order to combat the increase in racist offences, had adopted measures under which prison sentences had been imposed. The results, although modest, were nevertheless real as the number of racist offences had diminished. He also welcomed the appointment of a special commissioner for immigrants from non-member countries of the European Union since that innovation seemed to be producing satisfactory results. Italy should continue to keep the Committee informed of developments in the situation following the adoption of those two measures.

9. He noted with interest the adoption of Decree-Law No. 122 of 1993 under which racial, ethnic, national or religious motives were regarded as an aggravating circumstance in the commission of crimes and the display of emblems or symbols of organizations inciting racial, ethnic, national or religious hatred was designated as a criminal offence. In his view, that measure constituted an exemplary application of the provisions of article 4 of the Convention. He also thought that the Supreme Court had been right when it ruled that the behaviour of organizations or associations with racist aims did not necessarily imply subversive acts against the democratic order (para. 17).

10. The information provided concerning the implementation of article 5 related primarily to the situation of aliens, thereby reflecting the acuteness of that problem in Italy. However, that country should take care to ensure that the measures that it adopted to curb illegal immigration did not prejudice basic rights or rules of humanitarian law, bearing in mind the extent to which its economy attracted and would continue to attract the inhabitants of less-developed countries of that and other regions.

11. With regard to the difficulties referred to in paragraphs 27 et seq., he urged the Italian Government to continue to study the situation and to take adequate measures that showed due regard for the provisions and the spirit of the Convention. He would like to know what results had been achieved through the deportation of foreign prisoners (para. 34), which was the main tool that Italy employed to reduce overcrowding in its prisons.

12. In his view, the question of foreign workers should remain a focal point of concern due to their increasing number and the fact that they provided a

useful source of manpower for the country's economy. Accordingly, they should be afforded legal protection under which they would enjoy safety and respect in Italian society.

13. He regretted the lack of information concerning the implementation of article 6 of the Convention, in spite of the numerous infringements of the provisions concerning ethnic and racial discrimination, and hoped that the next periodic report would remedy that shortcoming.

14. With regard to the implementation of article 7, he noted with satisfaction the educational programmes designed to promote a spirit of tolerance and understanding among the various racial and ethnic groups, as well as the measures taken to facilitate access to State-run schools by children of different ethnic and cultural origins. He would like to know what measures had been taken to provide foreign children with instruction in their mother tongue, in addition to Italian, when circumstances so required. He would also like to know what results had been achieved through the teaching of additional subjects to non-EU pupils in accordance with the Decree-Law of 16 April 1994.

15. He noted that no information had been provided under article 7 concerning measures taken to promote the culture of the various ethnic groups or to control the activity of the media. In that regard, he hoped that the Italian Government would take measures to publicize the Convention, the periodic reports of Italy and the Committee's conclusions following its consideration of those reports.

16. Mr. BANTON said that the Italian delegation had informed the Committee, during its consideration of the previous periodic report, that Italy was thinking of withdrawing its reservations concerning some provisions of the Convention (CERD/C/SR.1076). Noting that the report under consideration made no mention of that subject, he wished to know how that situation stood. He pointed out that, according to statistics published in 1997, the Italian population had difficulty in renewing itself, insofar as deaths tended to outnumber births, and was being maintained only through immigration.

17. Paragraph 1 of the report stated that there appeared to be "a widespread improvement in Italy in respect for the principles of the Convention". That optimistic view contradicted the conclusions of a study conducted by a British organization, the Commission on Racial Equality, on Frankfurt, Lyons and Rome, which showed that racist crimes or acts of aggression were rarely reported to the police by the victims themselves. In the case of Italy, the report suggested that the real figures were probably far higher than those available to the authorities.

18. Concerning the implementation of article 5 (b), he shared the views of Mr. Diaconu concerning discrimination in the prisons and would like to have figures on the known cases. With regard to article 5 (e), he regretted that paragraph 46 referred only to agricultural workers and that Italy had not taken part in the cross-national ILO research programme on discrimination in the field of recruitment, which would help the Italian Government to mobilize public opinion to combat discrimination in employment. He urged the Italian authorities to consider participating therein.

19. He welcomed the positive information provided on article 42, to which reference had been made in the previous report, but did not fully understand the relationship between that article and the remedies provided for in the Labour Code. He wished to know whether a person who was the victim of employment-related racial discrimination was protected in the same way as a victim of gender-based discrimination. It would be useful to know whether adequate remedies existed and whether they had been utilized.

20. He noted that three cases which had been brought before the European Court of Justice seemed to indicate that the rule of equality of treatment without distinction of national origin was not respected in regard to teaching posts in Italian universities. Did the State party intend to take measures in that connection?

21. Noting also that the report made no mention of any cases of discrimination in regard to the right of access to housing, he hoped that the next report would provide information concerning the application of Law No. 943/1986 which prohibited discrimination against aliens in that field. Given the fact that the report contained no reference to complaints by aliens against landlords, he wondered whether that Law was really applied and whether measures had been taken, in consultation with associations of immigrants, to assess the incidence of discrimination in access to housing.

22. He wondered whether the children of immigrants were concentrated in particular schools, as happened in some European countries. He hoped that Italy would specify in its next report not only the measures that had been taken to combat racist behaviour in sport but also whether the football teams of associations of immigrants enjoyed equal access to playing fields and whether they were able to organize matches with indigenous teams. He also requested the Italian Government to indicate in that report whether article 187 of the regulation implementing the Public Safety Act of 1931 protected immigrants from being refused service in restaurants and dance halls.

23. Italy's next report should also include information on the implementation of article 6, which had not been dealt with in the report under consideration, and also on the organization of special human rights training programmes for police officers, as provided for in article 7, bearing in mind the fact that, in order to be effective, such training should be supplemented by constant supervision. Finally, it would be useful to know what measures had been taken by the authorities to monitor the activity of the media for the purposes of the Convention.

24. Mrs. ZOU noted with disappointment that, in the report under consideration, Italy had failed to provide the information requested of it in the previous report concerning the composition of its population. In view of the increase in the overall population, the Committee was not in a position to fully understand all the aspects of the situation.

25. It had been said that immigrants who had been living in Italy for some time and who fulfilled certain conditions could obtain residence permits. Did that rule apply to all immigrants on an equal footing?

26. She noted, like Mr. Banton and Mr. Diaconu, that the report contained no information on the implementation of article 6 or article 7 concerning, in particular, the training of law-enforcement officials the importance of which had been emphasized by the Committee during its consideration of the previous report. Those omissions were not acceptable in view of the considerable resources available to a developed country such as Italy.

27. She noted, in particular, that the report made no reference to the situation of the Roma/gypsies, who were usually the minority group most exposed to discrimination in all public services in the European countries. She hoped that Italy would remedy those shortcomings, which had been brought to its attention, by providing, in its next periodic report, information concerning the measures that it was taking or intended to take to combat racial discrimination in its territory.

28. Mr. van BOVEN welcomed the fact that the head of the Italian delegation had announced his Government's intention of regularizing the situation of 300,000 illegal immigrants. That would be a significant step forward, provided that the regularization was effected independently of the ethnic origin of the persons concerned.

29. He recalled that, in March 1995, the Committee's concluding observations on the tenth periodic report submitted by Italy contained numerous suggestions and recommendations to which it was hoped that Italy would respond in its subsequent report. It was highly regrettable that Italy had not followed the Committee's recommendations, particularly those in which it had requested further information concerning the effectiveness of the remedies available in the event of discrimination, the number of complaints filed in respect of racially motivated offences and the measures taken by the State party pursuant to article 6 of the Convention (reparation and satisfaction).

30. He also wished to know the precise modus operandi of the preliminary reception centres for immigrants at the frontiers. Were they controlled by the judicial authorities? Were those centres freely accessible? Could the Italian delegation also furnish the details requested by the Committee in 1995 concerning the composition of the population and could it provide social statistics concerning the most disadvantaged fringe of the population?

31. He was disappointed that Italy had not withdrawn the reservation that it had expressed concerning article 8, paragraph 6, of the Convention, concerning coverage of the Committee's expenses by the States parties. In that regard, he pointed out that Italy had co-sponsored a draft resolution transmitted to the General Assembly (A/C.3/53/L.18/Rev.1) strongly urging States parties "to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee ..." (para. 13).

32. He welcomed the fact that, in 1993, Italy had promulgated an enactment making more extensive provision for the implementation of article 4 of the Convention (condemnation of all propaganda based on ideas or theories of superiority of a particular race) but wondered whether Italy was considering the adoption of legislation which would have a broader impact on the question of discrimination. Had Italy adopted the constitutional amendment recommended by the European Committee against Racism and Intolerance with a view to

guaranteeing the rights of all persons residing in Italy and not solely those of Italian citizens? He also wished to know whether Italy was considering the establishment of a special institution to deal with questions of racial discrimination.

33. On the question of the Roma housing problems, he said that the European Roma Rights Centre had reported systematic discrimination against those persons in Italy, particularly in regard to housing policy. According to the Centre, the legislation that had been adopted in the late 1980s and early 1990s in 10 of Italy's 20 regions were intended to "protect the nomadic culture through the construction of camps for use by the Roma". Most of the camps were evidently fenced, their entrances being under surveillance, and there was even one camp that had apparently accommodated as many as 2,000 Roma although it was designed to receive no more than 700. He wished to know what explanations the delegation could provide in that connection and what measures the Italian Government might intend to take to remedy that situation.

34. He commended the legislation that Italy had promulgated in accordance with article 6 and, in particular, the existence of effective remedies against acts of discrimination and violations of fundamental freedoms by individuals. However, he requested the delegation to explain whether such complaints could be lodged against the State. If not, that would constitute an inadmissible restriction of the scope of article 6.

35. Mr. YUTZIS said that, of the 52 paragraphs in the report, 24 placed non-EU citizens in a separate category; in other words, 50 per cent of the report referred to a particular category of citizens. None of the reports that the Committee had considered made such explicit and repeated mention of a category of citizens that could be called "extra-Community".

36. He did not contest the statements made in the report to the effect that "most crimes against non-EU citizens took place in the context of organized crime", that "non-EU citizens have often been the perpetrators of crimes against other non-EU citizens" (CERD/C/317/Add.1, para. 6) or that problems of delinquency had been encountered among non-EU citizens. However, such statements tended to portray that category of immigrants in a criminal light that might not fully reflect the real situation. In that regard, he recalled that the Committee had strongly criticized Switzerland's "three-circle" immigration policy, since revised, under which there was a first circle of totally marginalized immigrants, a second circle that was semi-marginalized and a third, consisting of citizens of the European Union, that constituted a separate category.

37. In paragraph 27 of its report, in which it presented statistics concerning the national origin of prisoners, Italy distinguished between EU and non-EU citizens. What was the underlying implication in that distinction? Italy was a country of emigration and its nationals had settled in numerous foreign countries, including Argentina. If the term "mafia" implicitly referred to an aspect of Italian culture, did that mean that all Italian citizens were mafiosi?

38. Mr. de GOUTTES welcomed the fact that the President of the Italian Inter-Ministerial Committee on Human Rights, together with its

Secretary-General, formed part of the delegation. He noted that the first paragraph of the report under consideration mentioned Kurds among the non-EU citizens who had entered Italy. In view of the special problems associated with that minority, did the delegation have any recent information concerning the situation of that minority in Italy?

39. He said that Italian penal legislation seemed satisfactory in regard to the provisions of article 4 of the Convention given the fact that Decree-Law No. 122 of 1993 (converted into the Law of 25 June 1993), which envisaged "urgent measures as regards racial, ethnic and religious discrimination", designated dissemination of racist ideologies, instigation of racial violence and the establishment of racist organizations as criminal offences and also regarded racism as an aggravating circumstance in any unlawful act. However, under Italian penal legislation, was it also a criminal offence to refuse goods, services or access to public places on racial grounds?

40. Noting that the report provided only brief judicial statistics concerning offences involving racial or ethnic discrimination, he said that it would have been useful if the authors of the report, instead of merely stating that 37 offences of that type had been recorded in 1996, had specified the categories of offences reported and the nature of the penalties inflicted. While stressing the gravity of offences involving the illegal employment of labour, he expressed surprise at the small number of complaints and convictions for racist acts since, according to the information received from non-governmental organizations and from the European Roma Rights Centre, not only the Roma but also other minorities had allegedly been victims of discrimination by the police. According to that information, the police apparently failed to follow up complaints and sometimes engaged in acts of violence and, in addition, acts of discrimination had been observed in the judicial system. In fact, Roma were apparently placed in detention more frequently than others and the sentences handed down against them were more severe. The report itself (para. 27) acknowledged that the percentage of prisoners who were aliens stood at 17 per cent on 31 March 1994 and had since increased. It would be helpful if the delegation could provide clarifications on those questions.

41. He also wished to have details concerning the measures taken by Italy in accordance with article 7 of the Convention and, in particular, on the training of law-enforcement agents on matters relating to human rights and inter-ethnic understanding. What measures were the authorities considering in order to promote a better understanding of the Convention?

42. Mr. NOBEL said that, according to Amnesty International's report for the year 1998, 300 applications for asylum by Albanians had been rejected after summary proceedings and launches flying the Italian flag were patrolling the waters separating Italy from Albania with a view to intercepting and immediately repatriating any illegal immigrants. He inquired whether Italy intended to ensure that the customary procedures for the granting of refugee status were applied to all asylum seekers, including Albanians. Italy was one of the few countries to have imposed geographical and time limits for the acquisition of refugee status, contrary to the provisions of the 1967 Protocol

relating to the Status of Refugees. That fact, in conjunction with the problems facing European immigration policies, had led Italy to practise discrimination against refugees from Africa or other non-European countries by denying them the means to regularize their situation. Did Italy intend to sign that Protocol?

43. Mrs. SADIQ ALI said that, according to the World Directory of Minorities, the first immigrants to Italy were women from the Philippines and Cape Verde, who were employed as domestic servants, and persons from the former Italian colonies of Eritrea, Ethiopia and Somalia who were employed in agriculture and construction. Could the delegation explain to the Committee whether those persons were forced to work without interruption or whether they had the right to return to their countries? What was their status? Were their children entitled to receive an education or did they too have to remain domestic servants?

44. She also requested the delegation to indicate whether the Roma, who constituted the most vulnerable group of immigrants, enjoyed access, as required by article 5 (f) of the Convention, "to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks". What measures had the Italian Government taken to make magistrates, law-enforcement agents and teachers more aware of the country's multi-ethnic situation?

45. Mr. SHAHI referred to Italy's humanitarian attitude towards Yugoslav and Albanian immigrants, pointing out that Pakistan had received more than 3 million Afghan refugees from 1979 to 1981. Due to the decrease in contributions from the donor countries, Pakistan currently had to meet the needs of some 1.5 million refugees from its own resources. He hoped that the Italian Government would continue to show generosity to refugees who were fleeing conflicts and deprivation.

46. The CHAIRMAN, speaking in his personal capacity, said that one paragraph of the report mentioned Kurds among the non-European immigrants. In that connection, he referred to the problem of the Kurdish leader Abdullah Ocalan, to whom Italy had refused to grant political refugee status. According to some press articles, the Italian Government had been subjected to pressure and even threats designed to prevent it from granting him political asylum. Were those allegations true? If so, to what extent had they influenced the Italian Government's decision.

47. Mr. Sherifis resumed the Chair.

48. The CHAIRMAN invited the Italian delegation to reply to the questions raised by the members of the Committee.

49. Mr. MORENO (Italy) said that his delegation would reply, first of all, to the questions raised during the preceding meeting, after which it would request the Chairman to suspend the meeting for a few minutes in order to enable it to prepare its replies to the questions that had just been put to it.

50. As several members of the Committee had noted, the Italian Government's current policy in regard to problems of racism and immigration was based on two principal enactments: the Law of 1993 on racism, to which reference had repeatedly been made, and Law No. 40/1998 on immigration.

51. Those new texts had had immediate effects since, immediately after the promulgation of the Law of 1993, an increase had been noted in the number of legal actions instituted for racist acts. A peak had been reached in 1996, with a total of about 50 convictions. In response to the members who had wished to know how many legal actions were involved, he said that a multiplier of about four could be applied; in other words, during that year about 200 complaints of racist acts had been heard by the tribunals, which had obviously acquitted a number of defendants. The Italian delegation regretted not having provided more figures in its presentation and undertook to transmit further statistics to the Committee.

52. The procedure for Italy's ratification of article 8 of the Convention was under way and that article should be ratified in the near future.

53. In response to Mr. Sherifis' question as to whether Italy was disseminating information on the possible individual remedies that the Convention offered, he said that it had not been deemed necessary to organize a special information campaign in that connection since everyone in Italy, including occasional residents, was aware of the possibility of seeking individual remedies before the European Court of Human Rights at Strasbourg under the terms of the European Convention on Human Rights and the protocols relating thereto.

54. With regard to the question as to whether Italian laws took precedence over human rights conventions, those two systems were initially placed on an equal footing but, following a series of rulings by the Constitutional Court based on the principle of speciality, international conventions were now deemed to take precedence over domestic law.

55. In response to Mr. Ferrero-Costa's question concerning the efforts that had been made to encourage the Italian police to comply with the provisions of international conventions, he said that training courses had been held in order to inform them of the content not only of Italian legislation but also of international instruments.

56. Mr. Ferrero-Costa had also expressed concern at the Italian Government's proposal to "plan" future migratory flows. There were currently about 890,000 migrant workers in Italy, as well as 400,000 others awaiting regularization and who, moreover, had a good chance of obtaining permits to work and reside there. Unfortunately, there was also a fluctuating number of about 300,000 undocumented persons, some of whom were merely transiting through Italy. The problems encountered were of such magnitude that the Prime Minister had recently considered the establishment of a permanent institution to monitor migratory phenomena. In that field, the Italian Government was pursuing a twofold approach consisting initially in an attempt to make a humane response to the emergency situation brought about by the recent influx of immigrants and, subsequently, to set up a preventive system by entering into a dialogue with neighbouring Mediterranean countries with a

view to the conclusion of mutual agreements to receive a certain number of migrant workers who were needed by the Italian economy and who could thereby enjoy better conditions and avoid undocumented status. That would obviously necessitate the establishment of administrative control systems in the countries of origin and it was conceivable that, in order to gain time, some immigrants might attempt to circumvent bureaucratic channels by continuing to enter Italy illegally. The ideal solution would obviously be for neighbouring countries to create better conditions of employment that would dissuade their nationals from clandestine emigration to Italy with the risk of being exploited there.

57. In the meantime, Italy was making every possible endeavour to host immigrants in an appropriate manner by vigorously combating racism and xenophobia and organizing training courses not only for social assistants, teachers and health workers but also for magistrates. The latter were vigilant and racist motivations could indeed constitute an aggravating circumstance in the judgement of an offence even though, given the independence of the judiciary, the Government had no right to comment on, let alone influence, judicial decisions.

58. With regard to the xenophobic tendencies of the extreme right-wing parties or the Liga Nord to which Mr. Diaconu had referred, Italy had considerably restricted the immunity that members of Parliament enjoyed and they could be prosecuted for making racist remarks or engaging in racist acts.

59. Several members of the Committee, and particularly Mr. Diaconu and Mr. Ferrero-Costa, had asked why distinctions were made between minorities. Those distinctions had historical origins. For example, Albanian immigration, which had nothing to do with the recent influxes of refugees from Albania due to the events in that country, was a long-standing tradition and the Albanian heritage formed an integral part of the Italian cultural patrimony.

60. The Roma, who used to be nomads, were exhibiting an increasing tendency to become sedentary and the Government had decided to include them among the minorities "under tutelage" whose educational and other rights were accorded special protection. The distinction that Italy made between immigrants from the European Union and those from other countries was attributable to the fact that the European institutions obliged it, as a member of the Union, to grant European nationals the same rights as those enjoyed by Italians. However, Italy had never applied legislation that discriminated against migrant workers. Although, in the past, consideration had been given to the introduction of nationality quotas for immigrants with a view to equitable geographical distribution, about 400,000 applicants for immigration who had recently presented themselves at the Italian frontiers had all been accepted regardless of their origin.

61. At the domestic level, there was no difference in treatment between Italian workers and foreign workers, even those in an irregular situation, since, to quote only one example, the latter were entitled to social security. Foreigners and nationals alike could avail themselves of the services of the Mediator in the 22 regions of Italy that had established or were preparing to establish that institution and the Immigration Law No. 40/1998 had made it much easier for anyone to bring a civil action.

62. The Italian delegation intended to comment further, in due course, on the question of the right of asylum. In that regard, the problem of the Kurdish immigrants had been suddenly aggravated by the arrest of the leader of the Kurdistan Workers' Party (PKK), but Italy was doing its best to make a humane response to that crisis.

63. He requested an interruption of the meeting for a few minutes to enable his delegation to prepare the following replies.

The meeting was suspended at 12 p.m. and resumed at 12.15 p.m.

64. Mr. PIERANGELINI (Italy) confirmed that, as the head of his delegation had already explained, the distinction made between minorities was based solely on historical reasons. Although the linguistic criterion was not normally a factor in the definition of a "minority", it was well known that there were 280,000 or more German-speaking persons in northern Italy and some 50,000 French-speaking Occitanians in Piedmont. The Ladino-speakers numbered about 55,000 and the Catalans of Sardinia 18,000. Italy also had about 600,000 Slovenes living mainly in the region of Trieste and Udine. The Albanians who had emigrated to Italy over the centuries had settled mainly in southern Italy, where they numbered about 73,000. The Roma, numbering some 130,000, whose ancestors had arrived in the Middle Ages were tending to become sedentary and no more than 32 per cent of them were currently true nomads. Their children were attending school more regularly and educational programmes had been designed especially for them in order to help them to integrate while preserving their culture and their traditions. The new Law of 1998 also made provision for specific measures in favour of minorities and pilot projects had been launched to show teachers how to take their needs into account.

65. With regard to the granting of refugee status, no distinction was made on the basis of the national or ethnic origin of applicants. For example, 150 Kurds had recently been recognized as refugees and had settled as craftsmen in Calabria, where they had integrated very well.

66. The Italian Parliament was currently considering the adoption of a new highly comprehensive law on asylum that would ensure the application in Italy of the provisions of all the relevant international conventions, including the Geneva Conventions and the Dublin Convention Determining the State Responsible for Examining Applications for Asylum Lodged in One of the Member States of the European Communities. That law would accord increased support to refugees.

67. Mr. MARTELLO (Italy) said that, in his capacity as a magistrate specialized in labour law, he could confirm that Italy had no legislation that applied especially to foreign workers, who enjoyed the same rights and the same treatment as Italians.

68. Foreigners who were victims of discrimination had the same right as Italians to notify the services of the Labour Inspectorate, which could report any irregularities and have the employers convicted. They could also file a complaint directly with the tribunals and, judging by the large number of

disputes being heard, they were already availing themselves extensively of that right. To that end, they were being supported by trade-union organizations which were helping them to uphold their rights.

69. Whenever a foreign worker won his case in a labour dispute, he was usually awarded substantial damages in order to re-establish his equality with Italian workers. In fact, employers were obliged to apply the principle of "equal pay for equal work". Finally, if a foreigner was a victim of unfair dismissal, a judge could order his reinstatement in the enterprise as he would do in the case of an Italian.

70. The fact that foreign workers were accorded the same rights as Italian workers made it easier to detect irregularities, to dissuade some employers from exploiting cheap labour in view of the risks entailed by any breach of the law, and to eliminate any form of unfair competition between Italian and foreign workers. Consequently, the labour legislation provided the best possible protection for workers.

71. Mr. CITARELLA (Italy) said that, with regard to the legislation concerning minorities, the Italian Government was endeavouring not only to harmonize the various laws in force in that field but also to adopt standard legislation that would apply to all minorities without distinction, since some of the current particularities arose from international agreements concluded with neighbouring countries.

72. He emphasized the difference, under Italian law, between an immigrant and a member of a minority. Minority status was granted to groups which had lived in the country for several centuries, immigrants being considered to be persons who had recently entered Italian territory.

73. On the question of the Kurds, he said that they enjoyed special treatment under the legislation on refugees. There again, a distinction should be made between Kurds who emigrated for economic reasons and those who were seeking political asylum. The former had immigrant status and could benefit from the measures that Italy had recently taken to regularize their situation and, in that regard, he mentioned Italy's accountability to the other European countries for any steps that it might take in that connection. The latter, on the other hand, enjoyed the status of asylum seekers in accordance with the provisions of the legislation, which was based on the United Nations conventions concerning human rights.

74. Concerning the situation of the Roma, a distinction should be made between those of Italian origin, who had been living in the country for several centuries, and those who had arrived recently. Members of the first group could obtain a residence permit if they wished to settle in a particular town. Numerous legislative enactments had been adopted concerning that group. They benefited from special measures, such as permission to enrol their children in a school at any time during the academic year, a measure that had been taken due to their considerable mobility and which did not apply to other Italian citizens. Under the terms of a legislative enactment that had been adopted a few years earlier, they currently enjoyed the same rights as other citizens.

75. In response to a question that had been raised concerning discriminatory attitudes towards foreigners, Roma and other groups by restaurant owners, hoteliers and other providers of services, he said that such behaviour was illegal and, as such, could give rise to legal or administrative action which might lead to a conviction and an obligation to pay compensation.

76. With regard to the question of the treatment of some foreign workers, and particularly Filipino domestic servants, he affirmed that all foreign workers enjoyed identical status and no particular group was restricted in its freedom of movement.

77. Concerning the difficult question of housing in Italy, he said that the public housing allocation system from which Italian citizens benefited was also accessible to foreigners. When the latter registered on a waiting list for housing, they were actually privileged insofar as their name was placed in the middle instead of at the bottom of the list. However, that system did not apply to the Roma who, due to their mobility, usually preferred to live in camps reserved for them. He emphasized that those camps were placed under no form of surveillance and their residents could move in and live there freely.

78. The provisions of the Convention could be applied directly by the authorities, including the judicial authorities. A more comprehensive law that had been adopted in 1993 enabled judges to refer to the legislation of their choice. However, if anyone invoked certain provisions of the Convention in order to file a claim for damages, for example, the judge was obliged to hear the case in the light of the provisions of that instrument. Accordingly, it could be affirmed that the Convention had been incorporated in Italian legislation.

79. In conclusion, he indicated that consideration was being given to the establishment of a national commission responsible for human rights issues in Italy and that body would soon come into existence.

80. As a token of the importance that the Italian delegation attached to the work of the Committee, he assured the latter that, following the delegation's return to Italy, everything would be done to disseminate, as widely as possible, the recommendations that the Committee would be making on the conclusion of its consideration of the report.

81. Mr. MORENO (Italy) referring to the future World Conference against Racism which was scheduled to be held in the year 2001, said that Italy wished to make the most careful preparations for that event. It undertook to collaborate with the NGOs concerned and with all the representatives of minorities in order to make a proper contribution to the preparatory work, particularly at the European conference that would be organized beforehand on that subject.

82. He also pointed out that Italy had long been a country of emigration and that millions of Italians had settled abroad in all parts of the world. For that reason, the Italian Government was highly responsive to questions of immigration and would like to ensure that immigrants and their families enjoyed appropriate working conditions and opportunities for human development. Unfortunately, that was not always possible since the rapid

succession of waves of immigration allowed the authorities little time to take the measures that were indispensable for a suitable reception. He added that, in 1999, the Government would be granting voting rights to Italian citizens with dual nationality who were living abroad.

83. The CHAIRMAN invited the members of the Committee to comment on the replies of the Italian delegation.

84. Mr. RECHETOV expressed surprise at the fact that the Roma were denied access to public housing services in the same way as Italians and other foreigners or minorities on the pretext that they submitted no applications to that end. Even in such a case, the legislation should not be discriminatory but should make provision for access by the Roma to public housing.

85. Mr. de GOUTTES found it interesting that judges could base a criminal conviction on a provision of the Convention, which implied that it had self-executing status in the Italian legal system, since, in most of the States parties, it could be applied only through a national legislative enactment.

86. Mr. SHAHI said that he had listened attentively to Mr. Moreno's remarks concerning the preparation of the World Conference against Racism and, in that regard, he hoped that the Committee's work would be duly taken into consideration during the European conference that would be held on that subject.

87. Mr. DIACONU (Rapporteur for Italy) said that, although Italy had effectively begun to implement the Convention, that task needed to be completed. In that regard, he reviewed the aspects in which further efforts should be made: the regulatory system applicable to immigrants and minorities should be rationalized in such a way as to avoid any shortcomings and any discrimination; the situation of the Roma remained disturbing and required the Government's attention; immigrants, whether in a regular or an irregular situation, should also be given special attention, particularly when they found themselves in difficulties (prison, camps, etc.); and there was a need to continue and intensify the training of officials responsible for the implementation of the Convention (police officers, magistrates, etc.). Finally, with regard to the establishment of the national commission on human rights, he hoped that it would devote a large part of its activities to the prevention of racial discrimination.

88. The CHAIRMAN commended the Italian delegation for its constructive attitude. He declared that the Committee had thereby concluded its consideration of the tenth and eleventh periodic reports of Italy.

89. The Italian delegation withdrew.

The meeting rose at 1.05 p.m.